STATUTORY RULES OF NORTHERN IRELAND

2009 No. 208

SUPREME COURT, NORTHERN IRELAND PROCEDURE

The Criminal Appeal (Serious Crime Prevention Orders) Rules (Northern Ireland) 2009

Made - - - -	*20th May 2009*
To be laid before Parliament	
Coming into operation	*30th June 2009*

The Northern Ireland Supreme Court Rules Committee makes the following Rules in exercise of the powers conferred by sections 55 and 55A of the Judicature (Northern Ireland) Act 1978(**1**).

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Criminal Appeal (Serious Crime Prevention Orders) Rules (Northern Ireland) 2009 and shall come into operation on 30th June 2009.

(2) In these Rules—

"Court" means the Court of Appeal in Northern Ireland;

"the 2007 Act" means the Serious Crime Act 2007(**2**);

"the 2008 Order" means the Serious Crime Act 2007 (Appeals under Section 24) Order 2008(**3**);

"appeal" means an appeal under section 24 of the 2007 Act against a decision of the Crown Court and "application for leave to appeal" shall be construed accordingly;

"chief clerk" means the chief clerk of the Crown Court which made the decision which is the subject of the appeal; and

"Master" means the Master (High Court).

(**1**) 1978 c.23 to which the most recent relevant amendment was made by paragraphs 29 and 30 of Schedule 5 to the Constitutional Reform Act 2005 (c.4)
(**2**) 2007 c.27.
(**3**) S.I. 2008/1863

Forms

2. Any reference in these Rules to a form means a form set out in the Schedule or a form to the same effect.

Notice of appeal or application for leave to appeal

3.—(1) A notice of appeal (where the trial judge has granted leave) or of an application for leave to appeal to the Court shall be given by completing Form 1 and serving it on—

(a) the Master;

(b) the chief clerk; and, as appropriate

(c) the person who is the subject of a serious crime prevention order;

(d) the Director of Public Prosecutions for Northern Ireland; and

(e) any person who was given an opportunity to make representations in the proceedings which are the subject of the appeal.

(2) A notice of appeal or of an application for leave to appeal under paragraph (1) shall be served within 28 days from the date of the decision of the Crown Court which is the subject of the appeal.

(3) The Court may, on application of the appellant, extend the time within which notice of appeal or of an application for leave to appeal shall be given either before or after that period expires.

(4) The notice of appeal or application for leave to appeal shall be accompanied by any documents necessary for the proper determination of the appeal or application for leave to appeal including—

(a) a transcript of the decision which is the subject of the appeal; and

(b) any skeleton arguments or submissions provided to the trial judge by the parties in respect of the decision which is the subject of the appeal.

(5) In the case of a person who is granted leave to appeal, a notice of application for leave to appeal shall be treated as notice of appeal.

Application by a third party to make representations on appeal

4. An application by a third party under section 9(5) of the 2007 Act to make representations in an appeal shall be made by serving written notice on—

(a) the Master;

(b) the chief clerk;

(c) the person who is the subject of a serious crime prevention order;

(d) the Director of Public Prosecutions for Northern Ireland; and

(e) any other person who was given an opportunity to make representations in the proceedings which are the subject of the appeal.

Notes and report of trial judge

5. The Master may request the trial judge to furnish to him a certified copy of his notes of the proceedings which are the subject of the appeal, together with a report in writing giving his opinion upon the proceedings or any point arising in it.

Supply of documentary and other exhibits

6.—(1) The Master shall, on request, supply to any person who is a party to the appeal copies of documents or other exhibits required for the appeal or application for leave to appeal and in such case may make charges in accordance with scales and charges fixed for the time being by the Treasury.

(2) The Master shall, on request, make arrangements for any party to the appeal to inspect any document or other exhibit required for the appeal.

(3) This rule shall not apply to the supply of transcripts of any proceedings or part thereof.

Hearing by the Master

7.—(1) The Master shall, for the purpose of hearing any of the applications referred to in Article 52 of the 2008 Order, sit in such place as he may appoint, and he may sit otherwise than in open court.

(2) As soon as practicable after the Master determines such an application, he shall serve notice of his decision in Form 2 on—

(a) the chief clerk;

(b) the person who is the subject of a serious crime prevention order;

(c) the Director of Public Prosecutions for Northern Ireland; and

(d) any person who was given an opportunity to make representations in the proceedings which are the subject of the appeal.

(3) Where the Master has refused an application referred to in Article 52 of the 2008 Order, the party making the application may have the application determined by a single judge of the Court by serving notice of renewal in Form 2 on the Master within 14 days, or such longer period as the single judge of the Court may fix, from the date on which the notice of the decision was served on him.

Hearing by a single judge

8.—(1) A single judge of the Court shall, for the purpose of hearing any of the applications referred to in Article 51 of the 2008 Order, sit in such place as he may appoint, and he may sit otherwise than in open court.

(2) As soon as practicable after a single judge of the Court determines such an application, the Master shall serve notice of the Judge's decision in Form 2 on—

(a) the chief clerk;

(b) the person who is the subject of a serious crime prevention order;

(c) the Director of Public Prosecutions for Northern Ireland; and

(d) any person who was given an opportunity to make representations in the proceedings which are the subject of the appeal.

(3) Where a single judge of the Court has refused an application referred to in Article 51 of the 2008 Order, the party making the application may have the application determined by the Court by serving notice of renewal in Form 2 on the Master within 14 days, or such longer period as the single judge of the Court may fix, from the date on which the notice of the decision was served on him.

(4) Where an application under paragraph (3) is not served within the prescribed period, or such extended period as the single judge of the Court has allowed, the application shall be treated as having been refused by the Court.

Notice of hearing and determination of the Court

9.—(1) The Master shall, as far in advance as reasonably practicable, give notice of the date fixed for the hearing by the Court of an appeal or application for leave to—

(a) the chief clerk;

(b) the person who is the subject of a serious crime prevention order;

(c) the Director of Public Prosecutions for Northern Ireland; and

(d) any person who was given an opportunity to make representations in the proceedings which are the subject of the appeal.

(2) As soon as is reasonably practicable after the determination of an appeal or application for leave to appeal, the Master shall serve notice of the decision of the Court on those parties listed in paragraph (1).

Assistance from the Crown Court

10. The Master may require the chief clerk to furnish the Court with any assistance or information which it may require for the purposes of exercising its jurisdiction under section 24 of the 2007 Act, the 2008 Order or these Rules.

Appeal to the House of Lords

11. An application to the Court for leave to appeal to the House of Lords under Part 6 of the 2008 Order shall either be made—

(a) orally, immediately after the decision of the Court from which an appeal lies to the House of Lords; or

(b) by serving notice in writing which shall include the grounds of the application on the Master within 28 days of the decision of the Court.

Abandonment of proceedings

12. An appeal or an application for leave to appeal (including an application for leave to appeal to the House of Lords) may be abandoned before the hearing of the appeal or application by serving on the Master notice thereof in Form 3.

Service

13. Any notice or other document which is required by these Rules to be given to any person shall be served in accordance with Rule 30 of the Criminal Appeal (Northern Ireland) Rules 1968(**4**).

Brian Kerr
Patrick Coghlin
Declan Morgan
John Gillen
Tony Caher

Dated 13th May 2009

(**4**) S.R. 1968 No. 218